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*Risa M. Tinnirella*

Signature of Person Mailing Paper or Fee

*9-8-06*

Date of Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of	)
ALEXANDER P. DESORBO, et al.	) Examiner: Christopher E. Mahoney
	)
on SHOULDERS MOUNTED SUPPORT	) Group Art Unit: 2851
ASSEMBLY TO HOLD CAMERA OR	)
CAMCORDER	)
	)
Serial No.: 10/811,747	) Confirmation No. 1681
	)
Filed on: March 29, 2004	) (Our Docket No. 5261-0016-1)

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION**

Dear Sir:

This Communication is in response to an Office Action that issued in the above-referenced application on March 10, 2006. The time for response extended until June 10, 2006.

As you can see from the attached Office Action (Exhibit A), the Action was erroneously mailed to Allen D. Brufsky in Naples, Florida and not the attorney of record, McCormick, Paulding & Huber (Customer No. 35301). A copy of the Revocation of Power of Attorney and Appointment of New Power of Attorney as filed on August 24, 2004 is attached as Exhibit B.

Our office contacted the Patent Office on June 8, 2006 (see Exhibit C) to inquire as to the status of a first Office Action. To date, we have not received a response.

Moreover, an interview was recently held with Examiner Mahoney in which the erroneous mailing of the March 10, 2006 Office Action was discussed. Upon the submission of the appropriate evidence (as attached hereto), Examiner Mahoney indicated that a new Office Action would be issued.

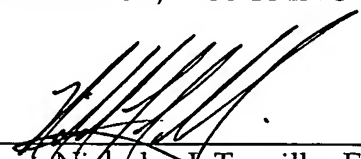
The undersigned therefore requests that the U.S. Patent and Trademark Office issue a new Office Action to the proper Attorney of Record, and reset the date for Response.

No fees are considered to be due; however, if it is determined that payment of a fee is required, please charge our Deposit Account No. 13-0235.

Respectfully requested,

McCORMICK, PAULDING & HUBER LLP

By



Nicholas J. Tuccillo, Esq.  
Registration No. 44,322  
Attorney for Applicant(s)

Customer No. 35301



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,747

03/29/2004

Alexander P. DeSorbo

11124CON

1681

32575

7590

03/10/2006

ALLEN D. BRUFISKY, P.A.  
600 5th Avenue South  
Suite 205  
NAPLES, FL 34102



5261-0016-1

EXAMINER

MAHONEY, CHRISTOPHER E

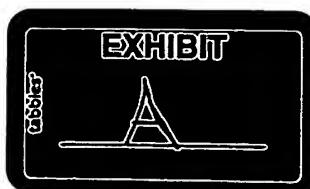
ART UNIT

PAPER NUMBER

2851

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

10/811,747

Applicant(s)

DESORBO ET AL.

Examiner

Christopher E. Mahoney

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 10-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 10-20 is/are allowed.
- 6) ☒ Claim(s) 21-25 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date Mar 29, 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the arced groove and the plurality of arced grooves must be shown or the feature(s) canceled from the claim(s). Additionally, the plurality of cams must be shown or canceled from the claims. Currently only 1 cam is depicted in figure 4. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "25" has been used to designate both a groove and a plate. See figures 3 and 4 for example. "14" has been used to designate both a shoulder and a rear pivot knuckle.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because How the cam engages the groove is not clearly depicted. How adjusting the plate about the pivot engages the cam to abut against the groove must be depicted. There is not illustration of how the hinge or plate engages or actually actuates the cams to move. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be

Art Unit: 2851

necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

The specification indicates that 25 is both a groove and a plate. 14 is described in the specification as both a shoulder and a pivot knuckle.

Page 10, lines 9 recites "an arced groove". The examiner believes "an" should be "a".

Appropriate correction is required.

### ***Claim Objections***

Claim 21 is objected to because of the following informalities: The examiner believes that in claim 21 "at at" should be "at". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2851

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by a nut, a bolt and a washer. A washer is a plate with an opening for receiving a bolt which has a plurality of arced grooves. A nut may be tightened to frictionally lock the washer to the bolt.

Claims 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ichikawa (U.S. Pat. No. 3,490,724). Ichikawa teaches a plate 9 having an opening 21 and a locking assembly 18 to frictionally lock the plate to the first shaft.

#### *Allowable Subject Matter*

Claims 1 and 10-20 are allowed.

Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. 

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*CONFIDENTIAL  
FAX #*



Christopher E Mahoney  
Primary Examiner  
Art Unit 2851

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
Applicant's unique citation designation number (optional). See Kinda Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 601.04.  
Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.  
Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

<b>Notice of References Cited</b>	Application/Control No. 10/811,747	Applicant(s)/Patent Under Reexamination DESORBO ET AL.	
	Examiner Christopher E. Mahoney	Art Unit 2851	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-3,490,724	01-1970	ICHIKAWA KICHITARO	248/178.1
*	B	US-4,509,795	04-1985	Brennan et al.	297/423.32
*	C	US-4,244,500	01-1981	Fournier, Raymond	396/428
*	D	US-2,873,645	02-1959	HORTON WILLIAM A	396/420
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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Organizational Unit: U.S. DEPARTMENT OF COMMERCE

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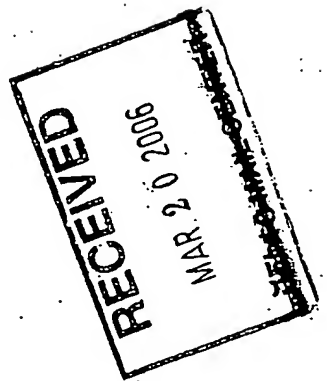
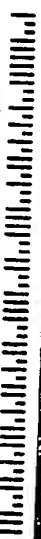
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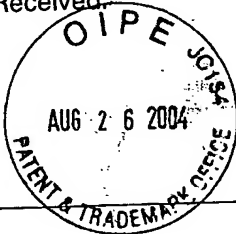


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Ser/Pat/TM No. <u>10/811,747</u> File No. <u>5261-0016-1</u> Inventor Name(s) <u>Alexander P. Desobry</u> Atty/Secretary <u>N.T.T./m.d.</u> <u>8/24/04</u>		Date Received: 
Hon. Commissioner of Patents/Trademarks Please acknowledge receipt of the attachments by stamping the date received in the space indicated and returning this card to the addressee. McCormick, Paulding & Huber LLP		
<input type="checkbox"/> Specification - # of pages..... <input type="checkbox"/> Claims - # of pages..... <input type="checkbox"/> Drawings - # of sheets ..... <input type="checkbox"/> Amendment <input type="checkbox"/> Issue Fee/Publication Fee <input type="checkbox"/> English translation document <input type="checkbox"/> Assignment <input type="checkbox"/> Marked up copy of specification/claims <input type="checkbox"/> Clean copy of specification/claims <input type="checkbox"/> Dec/POA	<input checked="" type="checkbox"/> Transmittal letter (7/10/04/21) <input type="checkbox"/> Check - \$ ..... <input type="checkbox"/> IDS and PTO/SB/08A <input type="checkbox"/> Copies of IDS citations <input type="checkbox"/> Maintenance Fee <input type="checkbox"/> Extension of Time <input checked="" type="checkbox"/> Revocation of P.O.A. & Appl. <input checked="" type="checkbox"/> New P.O.A. & corr. 2d. <input checked="" type="checkbox"/> Statement under 37 CFR 3.72(b) <input checked="" type="checkbox"/> Copy Assignment	

